

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

* * * * *

ARA KIMBROUGH, *

Plaintiff * Case No.

vs. * 2:24-CV-04470-KSM

BUCKS COUNTY, ET *

AL, *

Defendants *

* * * * *

DEPOSITION OF
MARGARET MCKEVITT
February 5, 2025

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DEPOSITION
OF
MARGARET MCKEVITT, taken on behalf of
the Plaintiff herein, pursuant to the
Rules of Civil Procedure, taken before
me, the undersigned, Ethan Reese, a
Court Reporter and Notary Public in
and for the Commonwealth of
Pennsylvania, at the Bucks County
Courthouse, 55 E. Court Street
Doylestown, PA, on Wednesday, February
5, 2025 beginning at 1:08 p.m.

A P P E A R A N C E S

WILLIAM MANSOUR, ESQUIRE

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COUNSEL FOR PLAINTIFF

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COUNSEL FOR DEFENDANT

ALSO PRESENT:

DARA BURNS, ESQUIRE

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S T I P U L A T I O N

(It is hereby stipulated and agreed by
and between counsel for the respective
parties that reading, signing,
sealing, certification and filing are
not waived.)

P R O C E E D I N G S

COURT REPORTER:

And did you want a copy
of the transcript from today?

ATTORNEY MANSOUR:

Yes, please. Just
electronic copies.

COURT REPORTER:

Sure.

And Counsel, do you also
want one?

ATTORNEY GRIESER:

Yes, just electronic.

MARGARET MCKEVITT,
CALLED AS A WITNESS IN THE FOLLOWING

1 PROCEEDING, AND HAVING FIRST BEEN DULY
2 SWORN, TESTIFIED AND SAID AS FOLLOWS:

3 ---

4 ATTORNEY MANSOUR:

5 And usual stipulations,
6 just all objections being
7 reserved for the time of trial,
8 except as to form and
9 privilege?

10 ATTORNEY GRIESER:

11 That's correct.

12 ATTORNEY MANSOUR:

13 Okay.

14 ATTORNEY GRIESER:

15 And I just want to make
16 clear that Ms. McKevitt is
17 reserving her right to review
18 the deposition and to do a
19 ratta on it if necessary.

20 COURT REPORTER:

21 Okay.

22 ATTORNEY MANSOUR:

23 Okay.

24 ---

25 EXAMINATION

— — —

BY ATTORNEY MANSOUR:

Q. Ms. McKevitt, how are you?

A . G o o d .

Q. My name is William Mansour. I am an attorney who's representing Ara Kimbrough in a lawsuit that he has filed against Bucks County, as well as a number of individual defendants in the Eastern District of Pennsylvania. We're here today to take your deposition in that case. Before I get started in earnest, I just want to go over a few ground rules about how the deposition is going to proceed.

First, let me ask you, have you ever been deposed before?

A . Y e s .

Q. So this is not your first rodeo. So a lot of the things I'm going to say you've probably heard before, but nevertheless, I'm going to go over them.

One of the most important rules
is that, as you can see, we have a

1 court reporter here today who's taking
2 down everything that's said during
3 this deposition. And so it's
4 important that your answers to my
5 questions need to be verbal. So no
6 nodding the head, shaking the head,
7 shrugging the shoulders. Things like,
8 uh-huh, uh-uh don't come across well
9 on the record.

10 So can you confirm that all
11 your answers today will be verbalized?

12 A. Yes.

13 Q. Thank you.

14 If you don't understand a
15 question that I ask, just ask me to
16 rephrase it, and I'll be happy to do
17 that. If I ask you a question and you
18 do answer it, I'm going to assume two
19 things. One, that you heard it and
20 two, that you understood it.

21 Do you understand that?

22 A. Yes.

23 Q. I don't want us to talk over
24 each other. So there may be instances
25 where I'm asking a question and you

11

1 know what the question is going to be.
2 I just ask for the benefit of the
3 court reporter that you wait until my
4 question is done before you answer it,
5 and then I will afford you the same
6 courtesy of waiting until your
7 response is finished before I ask my
8 next question.

9 Understood?

10 A. Yes.

11 Q. I don't want you to guess or
12 speculate about anything. Only answer
13 a question if you know the answer.

14 Do you understand that?

15 A. Understood.

16 Q. If at any time, you need to
17 take a break during this deposition, I
18 understand that we have to do a hard
19 stop at 2:00, so I don't anticipate
20 there will be any need for a break.
21 But if, for whatever reason, you need
22 to have a break, that's fine. The
23 only thing I ask is that if I have a
24 pending question, you answer it
25 completely first before we take a

1 break.

2 Understood?

3 A. Understood.

4 Q. Okay. Very good.

5 Could you please state your
6 full name for the record?

7 A. Margaret Ann McKevitt.

8 Q. Okay.

9 And Ms. McKevitt, are you under
10 the influence of any drugs or alcohol
11 at this moment?

12 A. No.

13 Q. Okay.

14 Have you, within the last 24
15 hours, taken any prescription
16 medications that would impair your
17 ability to either hear or understand
18 any of my questions?

19 A. No.

20 Q. Within the last 24 hours, have
21 you taken any medications that would
22 impair your ability to recall any of
23 the events I might be asking you
24 about?

25 A. No.

1 Q. What is your position with the
2 County?

3 A. Chief Operating officer.

4 Q. How long have you been COO for?

5 A. Five years.

6 Q. And tell me a little bit about
7 your job duties as a COO. As the COO
8 of the County.

9 A. Responsible for direction and
10 operations for all of the divisions in
11 the County. And I work at the --- the
12 County Board of Commissioners.

13 Q. Do you have authority to
14 discharge employees?

15 A. Yes.

16 Q. Ara Kimbrough used to be an
17 administrative lieutenant at the Bucks
18 County Correctional Facility.

19 Correct?

20 A. I'm sorry, could you repeat
21 that?

22 Q. Ara Kimbrough, my client, he
23 was a administrative lieutenant at the
24 Bucks County Correctional Facility.

25 Correct?

1 A. Yes.

2 Q. And he was discharged from that
3 position on July 29th, 2024.

4 Correct?

5 A. Yes.

6 Q. And you were involved in the
7 decision to terminate him.

8 Correct?

9 A. Yes.

10 Q. Were you the person who made
11 the final decision to terminate him?

12 A. Yes. It was --- so the way
13 that this works, we collectively meet,
14 we make the decision, and then it gets
15 ratified on agenda by the county
16 commissioners at a subsequent meeting
17 ---

18 Q. When you say ---?

19 A. --- following the ---.

20 Q. I'm sorry about that, what was the
21 last part of that response?

22 A. We meet, we make the
23 determination, and then it goes
24 through the system, which is called
25 Lawson, goes on an agenda, and it gets

1 ratified by the county commissioners
2 at their public meeting.

3 Q. Is that the procedure that was
4 followed in this case with respect to
5 ---

6 A. Yes.

7 Q. --- Mr. Kimbrough's
8 termination?

9 A. Yes.

10 Q. When you say we, who are you
11 referring to specifically with regards
12 to Mr. Kimbrough?

13 A. The department head, HR
14 representatives and law department
15 representatives.

16 Q. Okay.

17 So more specifically, with
18 respect to Mr. Kimbrough, the
19 Department head would have been David
20 Kratz?

21 A. Yes.

22 Q. And the human resources
23 representative would have been Lauren
24 Smith?

25 A. Yes.

1 Q. Anybody else from human
2 resources that was involved in the
3 decision to terminate Mr. Kimbrough?

4 A. I don't recall.

5 Q. And you said representatives
6 from the law Department. Can you
7 identify who specifically?

8 A. I don't recall that either,
9 unfortunately. I'm sorry.

10 Q. Was Shae Randolph one of those
11 persons?

12 A. Yes, she could have been. Yes.

13 Q. How about ---?

14 A. She was our HR representative
15 for the law department.

16 Q. How about Ms. Grieser?

17 ATTORNEY GRIESER:

18 Grieser.

19 ATTORNEY MANSOUR:

20 Grieser. Jacqueline

21 Grieser, I'm sorry. Apologies.

22 ATTORNEY GRIESER:

23 That's okay.

24 THE WITNESS:

25 I don't recall. I don't

1 recall if you were on the ---.

2 BY ATTORNEY MANSOUR:

3 Q. And Ms. Burns?

4 A. I don't think she was here
5 then. I don't remember. No.

6 Q. Now, prior to Mr. Kimbrough's
7 discharge, I think in July of 2023, if
8 I'm not mistaken, the County was in a
9 certain --- the County and certain
10 employees were being sued in federal
11 court by the estate of Joshua
12 Patterson.

13 Is that correct?

14 A. Correct.

15 Q. And that lawsuit related to Mr.
16 Patterson --- Mr. Patterson's fatal
17 drug overdose while incarcerated at
18 BCCF.

19 Is that correct?

20 A. Correct.

21 Q. And that estate was represented
22 by Attorney Brian Zeiger.

23 Correct?

24 A. I don't know.

25 ATTORNEY MANSOUR:

1 Now --- do you have
2 stickers? Or I can just write
3 on it.

4 ATTORNEY GRIESER:

5 Do you have the first
6 Bates stamp number on that?

7 ATTORNEY MANSOUR:

8 This is actually just
9 the exhibit from the complaint.
10 I think it's been produced with
11 a Bates stamp. But it's the
12 exhibits ---

13 ATTORNEY GRIESER:

14 Okay.

15 ATTORNEY MANSOUR:

16 --- from the complaint,
17 yeah.

18 ATTORNEY GRIESER:

19 So the ---

20 ATTORNEY MANSOUR:

21 And I have a ---.

22 ATTORNEY GRIESER:

23 --- fact finding,
24 termination?

25 ATTORNEY MANSOUR:

1 Yeah, the termination
2 letter and the disciplinary
3 notice.

4 Okay, so I'm showing you
5 a document that I've marked as
6 P-1. I'll represent to you
7 that this is the termination
8 letter and the accompanying
9 disciplinary action form that
10 was provided to my client on
11 July 29th, 2024.

12 ---

13 (Whereupon, Exhibit P-1,
14 Termination Letter, was
15 marked for
16 identification.)

17 ---

18 BY ATTORNEY MANSOUR:

19 Q. Just take a moment and look
20 this over and just look up and let me
21 know when you're done reviewing it.

22 You've seen this letter before?

23 A. Yes.

24 Q. And how about the second page,
25 the disciplinary action form? You've

1 seen that before, too?

2 A. Yes.

3 Q. And it appears that this letter
4 was at least signed by Lauren Smith.

5 Is that correct?

6 A. Yes.

7 Q. Did you review this letter
8 before Ms. Smith provided it to my
9 client?

10 A. No.

11 Q. So this is the first time ---
12 is this the first time you're seeing
13 this letter?

14 A. No.

15 Q. Okay.

16 So you did not see it before it
17 was provided to Mr. Kimbrough, is that
18 what you're saying?

19 A. No.

20 Q. Okay.

21 And how about the second page,
22 the disciplinary action form? Did you
23 see that before it was provided to my
24 client?

25 A. No.

1 Q. Have you seen it before today?

2 A. Yes.

3 Q. Do you recall when the first
4 time you saw either this letter or the
5 disciplinary action form was?

6 A. During our meeting to discuss
7 termination.

8 Q. Before --- to discuss Mr.
9 Kimbrough's termination?

10 A. Yes.

11 Q. Before he was terminated?

12 A. Yes.

13 Q. Okay.

14 So you did see this letter
15 before it was provided to Mr.
16 Kimbrough?

17 A. I'm sorry. Yes.

18 Q. Okay.

19 So you saw both the letter and
20 the disciplinary action form before
21 they were provided to Mr. Kimbrough?

22 A. Yes. Yes.

23 Q. So I just want to direct your
24 attention to the second page of that
25 document, the disciplinary action

1 form. And in it, it states that Mr.
2 Kimbrough --- it was brought to the
3 County's attention that Mr. Kimbrough
4 shared confidential information with
5 Plaintiff's counsel. And in the last
6 sentence it says, during both of these
7 meetings that are referenced, you
8 admitted to contacting Plaintiff's
9 attorney and sharing confidential
10 information which pertained to a
11 lawsuit against the DOC/County of
12 Bucks.

13 Did I read that correctly?

14 A. Yes.

15 Q. Okay.

16 And that's the reason Mr.
17 Kimbrough was terminated?

18 A. Yes.

19 Q. Can you tell me what
20 confidential information he shared?

21 A. I cannot.

22 Q. Were --- in terms of the
23 decision to terminate Mr. Kimbrough,
24 was the fact that he had a telephone
25 conversation with Plaintiff's attorney

1 as referenced here, was that a topic
2 of conversation in those discussions?

3 A. Yes.

4 Q. And was it brought up during
5 those conversations that the
6 information was confidential?

7 ATTORNEY GRIESER:

8 Objection as to form.

9 It's work product and
10 privilege, attorney-client
11 privilege.

12 ATTORNEY MANSOUR:

13 You can go ahead and
14 answer.

15 THE WITNESS:

16 I can't.

17 ATTORNEY GRIESER:

18 No, you --- not with
19 privilege.

20 THE WITNESS:

21 I can't answer it.

22 ATTORNEY MANSOUR:

23 Well, what's privileged?

24 ATTORNEY GRIESER:

25 You asked what advice

1 she ---.

2 ATTORNEY MANSOUR:

3 I didn't ask what
4 advice. I said was the issue
5 of him providing confidential
6 information brought up during
7 those discussions?

8 ATTORNEY GRIESER:

9 That's --- again, I'm
10 going to object. In general?
11 The reason why he was
12 terminated?

13 BY ATTORNEY MANSOUR:

14 Q. I mean, the reason why he's
15 terminated is in this disciplinary
16 action form. Right? So it's not
17 privileged. He was fired for conflict
18 --- for providing confidential
19 information.

20 Right?

21 A. Correct.

22 Q. Okay.

23 And that was discussed prior to
24 firing him.

25 Right?

1 A. Correct.

2 Q. The fact that he had shared
3 confidential information?

4 A. Correct.

5 Q. What was the confidential
6 information?

7 A. I cannot share that with you.

8 Q. Why not?

9 A. It's confidential information.

10 ATTORNEY GRIESER:

11 You can answer in
12 general terms.

13 THE WITNESS:

14 In general terms?

15 ATTORNEY GRIESER:

16 Uh-huh.

17 THE WITNESS:

18 Okay.

19 He shared information
20 about the inner workings of the
21 correctional facility.

22 BY ATTORNEY MANSOUR:

23 Q. Okay.

24 And what information
25 specifically are you claiming was

1 confidential?

2 A. All of it.

3 Q. Specifically.

4 A. Everything that he shared.

5 Q. Which is what?

6 A. I --- if I share that with you,
7 then it's no longer confidential.

8 Q. Okay.

9 ATTORNEY GRIESER:

10 I mean, you can do it
11 --- you can speak about it
12 generally. Intake or ---.

13 THE WITNESS:

14 Okay. Okay. So in
15 general, he shared how the
16 prison performs their
17 procedures, their intake
18 procedures.

19 BY ATTORNEY MANSOUR:

20 Q. How they --- okay. And that's
21 confidential why?

22 A. Because it is policies and
23 procedures written within the
24 correctional facility's purview that
25 he shared with outside counsel.

1 Q. Okay.

2 And you're talking about the
3 intake procedure.

4 Correct?

5 A. Correct.

6 Q. Okay.

7 Doesn't every inmate that is
8 processed in the B --- in the BCCF,
9 the correctional facility, go through
10 the intake procedure?

11 A. Yes.

12 Q. So wouldn't every inmate know
13 exactly what BCCF's intake procedure
14 is?

15 A. No.

16 Q. Why not?

17 A. Because they may not. They may
18 not know all of what procedures they
19 follow.

20 Q. Okay.

21 So, I mean, you've talked about
22 the intake procedure generally. So
23 there are some things of the intake
24 procedure that inmates would know.

25 Right?

1 A. Yes.

2 Q. And you're saying there's some
3 things that inmates would not know?

4 A. Correct.

5 Q. Okay.

6 So what things did Mr.
7 Kimbrough share that inmates would not
8 know?

9 ATTORNEY GRIESER:

10 Generally.

11 ATTORNEY MANSOUR:

12 Specifically.

13 ATTORNEY GRIESER:

14 That's the whole reason
15 why he was fired is because
16 it's confidential.

17 ATTORNEY MANSOUR:

18 But that's --- you know,
19 it's highly pertinent for
20 litigation. I mean, you're
21 claiming that he was discharged
22 for sharing confidential
23 information. I think I have a
24 right to know what information
25 specifically that he shared you

1 think is confidential.

2 ATTORNEY GRIESER:

3 And so long as you stick
4 with how you phrased it in your
5 complaint, I think we're okay.
6 But as far as actual names,
7 actual movements, actual names
8 of inmates who got pulled
9 where, anything like that is
10 confidential. But I think you
11 can still get what you need by
12 ---.

13 ATTORNEY MANSOUR:

14 Well, I mean --- okay.
15 It's alleged in the complaint.
16 The complaint is public. It's
17 not under seal.

18 ATTORNEY GRIESER:

19 Yeah, that's fine.

20 ATTORNEY MANSOUR:

21 Names are named, people
22 are named. So I'm not sure on
23 what basis you're claiming it's
24 confidential. Anybody who
25 wants to see what he alleged

1 can go look it up. So let's
2 maybe do it this way. We'll
3 mark this P-2.

4 ---

5 (Whereupon, Exhibit P-2,
6 Responses to
7 Interrogatories, was
8 marked for
9 identification.)

10 ---

11 ATTORNEY MANSOUR:

12 So I'm showing you
13 document I've marked P-2. I
14 will represent to you that
15 these are the --- Mr.
16 Kimbrough's responses to the
17 County's interrogatories. And
18 I want to direct your attention
19 to the third page,
20 interrogatory number nine.

21 BY ATTORNEY MANSOUR:

22 Q. So were asked by the County to
23 identify and describe with specificity
24 the information disclosed by Plaintiff
25 during his May 29th, 2024, telephone

1 conversation with Attorney Brian
2 Zeiger. And we responded below. And
3 it goes on to the next page. Take a
4 moment, if you could, and read that
5 response.

6 ATTORNEY GRIESER:

7 This isn't public. And
8 we --- this is the reason why
9 we're seeking an agreement for
10 a protective order. And then
11 we'll move to have it sealed as
12 well.

13 ATTORNEY MANSOUR:

14 I understand, but if
15 you're --- if you're asking my
16 client, you --- this is an
17 interrogatory of my client, my
18 client gave a response. You're
19 telling her --- you're telling
20 me I can't ask her about this?

21 ATTORNEY GRIESER:

22 I'm saying this isn't
23 public.

24 ATTORNEY MANSOUR:

25 Okay.

1 ATTORNEY GRIESER:

2 Would you agree to a
3 protective order for this?

4 ATTORNEY MANSOUR:

5 No, because it's also in
6 the complaint.

7 ATTORNEY GRIESER:

8 It's not in the
9 complaint specifically.

10 ATTORNEY MANSOUR:

11 It is. Pretty much
12 everything is specifically in
13 the complaint.

14 ATTORNEY GRIESER:

15 Not pretty much.

16 ATTORNEY MANSOUR:

17 Names, exactly what
18 happened. Yeah, it's almost
19 all in the complaint.

20 ATTORNEY GRIESER:

21 Which is why we're
22 saying ---.

23 ATTORNEY MANSOUR:

24 Paragraph 22.

25 ATTORNEY GRIESER:

1 We're saying that that's
2 confidential.

3 ATTORNEY MANSOUR:

4 But it's not because
5 it's part of the public record.

6 ATTORNEY GRIESER:

7 Because you made it part
8 of the public record.

9 ATTORNEY MANSOUR:

10 And you didn't move to
11 seal it or otherwise claim that
12 it's confidential and it should
13 not be part of the public
14 record.

15 ATTORNEY GRIESER:

16 We ---.

17 ATTORNEY MANSOUR:

18 And in fact, you know,
19 probably from what I could
20 tell, there's been, you know,
21 news articles written about
22 this, so who knows how many
23 people ---.

24 ATTORNEY GRIESER:

25 Not with these

1 specifics.

2 ATTORNEY MANSOUR:

3 I mean, you can compare
4 them. It's pretty much
5 identical because he's been
6 saying the same thing since day
7 one. In the complaint, in the
8 response to interrogatories.
9 It's all the same information.

10 ATTORNEY GRIESER:

11 Not these --- not the
12 specifics.

13 ATTORNEY MANSOUR:

14 It is. I mean, have you
15 read the response?

16 ATTORNEY GRIESER:

17 I did read the response.

18 ATTORNEY MANSOUR:

19 It's the same thing.
20 Because that's what he said.
21 There's No --- I mean, can you
22 tell me what in here is
23 different from what's in the
24 complaint?

25 ATTORNEY GRIESER:

1 Yes, the complaint says
2 things generally about
3 understaffing.

4 ATTORNEY MANSOUR:

5 No, it doesn't. Read
6 paragraph 22. Here's a copy of
7 it. You can read it.

8 ATTORNEY GRIESER:

9 But again, this is what
10 you made public, ---

11 ATTORNEY MANSOUR:

12 Public.

13 ATTORNEY GRIESER:

14 --- which is why we are
15 trying to move for a protective
16 order.

17 ATTORNEY MANSOUR:

18 Okay, but you haven't
19 yet. And I don't know if --- I
20 mean, a protective order from
21 --- you know, I'm not really
22 sure what the protective order
23 is about, but it's certainly
24 not about sealing what's in the
25 complaint.

1 ATTORNEY GRIESER:

2 It was my understanding
3 that you had agreed to a
4 protective order.

5 ATTORNEY MANSOUR:

6 But not to sealing
7 what's in the complaint. I
8 didn't --- I didn't --- it was
9 based on the disclosure of
10 certain documents that I
11 requested in discovery. I
12 didn't agree to seal anything
13 in the complaint.

14 ATTORNEY GRIESER:

15 Would you stipulate to
16 protective order over that?

17 ATTORNEY MANSOUR:

18 No.

19 ATTORNEY GRIESER:

20 Why wouldn't you? You
21 can still do what you have to
22 do.

23 ATTORNEY MANSOUR:

24 Because our position is
25 it's not confidential and it's

1 already there. It's been a
2 part of the public record now
3 for, like, what, six months we
4 filed this lawsuit? Who knows
5 how many people have this
6 complaint.

7 ATTORNEY GRIESER:

8 Okay. We will be moving
9 for a protective order. I
10 believe that we already have
11 it. Correct?

12 ATTORNEY MANSOUR:

13 A protective order as to
14 what? Are you talking about
15 sealing what's in the
16 complaint?

17 ATTORNEY GRIESER:

18 Protecting what's in the
19 complaint, yeah. And then I'm
20 going to seal it.

21 ATTORNEY MANSOUR:

22 A protective order is
23 about disclosure of documents
24 that we requested in discovery.
25 That's what we talked about.

1 You said ---.

2 ATTORNEY GRIESER:

3 And right now I'm moving
4 for protective order over the
5 depositions. Right. Rehashing
6 it. Just because it's out
7 there doesn't mean that it can
8 be --- it necessarily has to be
9 repeated.

10 ATTORNEY MANSOUR:

11 Okay, are you telling me
12 that I cannot ask the witness
13 about allegations in the
14 complaint?

15 ATTORNEY GRIESER:

16 What I'm saying is that
17 you can ask the witness. We're
18 going to move for a protective
19 order.

20 ATTORNEY MANSOUR:

21 Okay, that's fine.

22 ATTORNEY GRIESER:

23 You can answer,

24 Margaret.

25 BY ATTORNEY MANSOUR:

1 Q. So are you done reading the
2 response?

3 A. Yeah.

4 Q. Okay.

5 And then just for your benefit,
6 too, we don't necessarily have to make
7 this an exhibit, but I'll show you.
8 This is the complaint that was filed
9 in the matter. And if you could take
10 a look at paragraph 22 and also read
11 that to yourself and look up when
12 you're done.

13 A. Okay.

14 Q. Okay.

15 So, going back to P-2, the
16 response to interrogatory number nine,
17 can you tell me --- now this is my
18 client's response as to what he told
19 Attorney Zeiger in that telephone
20 conversation.

21 ATTORNEY GRIESER:

22 Just to be clear, I'm
23 objecting as to the fact that
24 this is privileged sensitive,
25 confidential information,

1 security sensitive.

2 ATTORNEY MANSOUR:

3 Okay. Then let's get
4 the judge on the phone, because
5 especially ---

6 ATTORNEY GRIESER:

7 No, no, I'm just ---.

8 ATTORNEY MANSOUR:

9 --- if I'm coming here
10 and you're telling me that we
11 have an hour.

12 ATTORNEY GRIESER:

13 I want to just have it
14 on the record I've instructed
15 my client to answer. Okay?

16 ATTORNEY MANSOUR:

17 Okay, but then you can't
18 claim it's privilege. So if
19 you're going to tell her to
20 answer, then you're waiving the
21 privilege. So you can't then
22 later on say, oh, no, it's
23 privilege, we can't talk about
24 it.

25 ATTORNEY GRIESER:

1 If I preserve my
2 objection, I can.

3 ATTORNEY MANSOUR:

4 No, you can't. Not if
5 she's talking about it. So, I
6 mean, if she's going to
7 voluntarily tell me about it,
8 then the privilege is waived.
9 So if you're claiming there's
10 privilege here, our best bet
11 would be to get the judge on
12 the phone and see what she
13 thinks.

14 ATTORNEY GRIESER:

15 Okay.

16 ATTORNEY MANSOUR:

17 Is that what we want to
18 do?

19 ATTORNEY GRIESER:

20 Yes.

21 ATTORNEY MANSOUR:

22 Okay.

23 Does that phone work?

24 ATTORNEY GRIESER:

25 I have no idea.

1 ATTORNEY BURNS:

2 Yes, it works.

3 COURT REPORTER:

4 Would you like to stay
5 on the record?

6 ATTORNEY MANSOUR:

7 Yes, please.

8 ATTORNEY GRIESER:

9 Is somebody calling you?
10 It says phone is registering.

11 ATTORNEY BURNS:

12 Oh, forget it then.

13 ATTORNEY MANSOUR:

14 I'll try to call her
15 from my phone. It's fine, I'll
16 call chambers.

17 Yes, hi, this is
18 Attorney William Mansour. I
19 have with me Attorney Grieser
20 and Attorney Burns. We're
21 calling in regards to the Ara
22 Kimbrough versus Bucks County
23 matter. We are here in the
24 deposition of one of the
25 witnesses, Margaret McKevitt,

1 who is a COO of the County.
2 And we have run into a bit of a
3 dispute regarding the scope of
4 my questioning and assertions
5 of privilege. And we would, I
6 guess, like to know how we can
7 get this matter resolved by
8 Judge Marston.

9 CHAMBERS:

10 What's the Case Number?

11 ATTORNEY MANSOUR:

12 It is 24-4470

13 CHAMBERS:

14 2470?

15 ATTORNEY MANSOUR:

16 4470, 4470.

17 CHAMBERS:

18 Okay, one moment. I'm
19 pulling up your docket now.

20 Okay, let me put you on
21 hold for one moment.

22 ATTORNEY MANSOUR:

23 Sure, thank you.

24 ---

25 (WHEREUPON, A BRIEF PAUSE IN THE

1 RECORD WAS HELD.)

2 ---

3 CHAMBERS:

4 All right, this number,
5 8932, can I call you back in
6 about ten minutes?

7 ATTORNEY MANSOUR:

8 Sure. Thank you.

9 CHAMBERS:

10 All right, give me ten
11 minutes.

12 ATTORNEY MANSOUR:

13 Okay, thank you.

14 Do you want to take a
15 recess?

16 ATTORNEY GRIESER:

17 Yeah, why don't we go
18 off the record.

19 ---

20 (WHEREUPON, A SHORT BREAK IN THE
21 RECORD WAS HELD.)

22 ---

23 ATTORNEY MANSOUR:

24 Okay, Ms. McKevitt, so I
25 am showing you a document that

1 I've marked as P-3. This is a
2 document that was disclosed to
3 us by the County in response to
4 our discovery requests. Just
5 take a moment to look over that
6 and look up when you're done.

7 ATTORNEY GRIESER:

8 Just to be clear, it's
9 stamped --- Bates stamped --
10 1527.

11 ---

12 (Whereupon, Exhibit P-3,
13 Response to Discovery
14 Requests, was marked for
15 identification.)

16 ---

17 BY ATTORNEY MANSOUR:

18 Q. You done?

19 A. Yeah.

20 Q. Okay. Very good, thank you.

21 So this appears to be an email
22 that was sent from Lauren Smith to a
23 number of individuals on July 29th,
24 2024. You appear to be one of the
25 individuals who received this email.

1 Do you recall receiving this
2 email?

3 A. Yes.

4 Q. Who is James Coyne?

5 A. Deputy Corrections. Deputy
6 Director of Corrections.

7 Q. Was he, based on your
8 recollection, involved in the decision
9 to terminate Mr. Kimbrough?

10 A. I do not remember. But if he's
11 on here, then he obviously was made
12 aware of it.

13 Q. Okay.

14 And how about Diane Otto? Who
15 is she?

16 A. She is an HR representative to
17 Corrections.

18 Q. And Frank Albanese?

19 A. He's Deputy Direct --- Deputy
20 Chief HR Officer.

21 Q. Now, this email says, good
22 afternoon. This morning, via Teams,
23 permission was granted to separate Ara
24 Kimbrough from employment.

25 My question from you is, who

1 was permission granted by?

2 A. Me. And we had a Teams
3 meeting. I'm assuming this was ---
4 these were all the participants. I
5 don't know that for sure, but
6 ultimately, yes.

7 Q. Did you --- hold on one second.

8 ATTORNEY MANSOUR:

9 Hello?

10 LAW CLERK:

11 Hey, good afternoon,
12 Counsel. I'm a law clerk for
13 Judge Marston. My name is
14 John.

15 ATTORNEY MANSOUR:

16 Hi, John. How are you?

17 LAW CLERK:

18 I'm good. Did you call
19 chambers?

20 ATTORNEY MANSOUR:

21 Yes, we did.

22 LAW CLERK:

23 Okay.

24 Could you please give me
25 an overview of what the issue

1 is right now?

2 ATTORNEY MANSOUR:

3 Sure. So I am here
4 taking the deposition of
5 Margaret McKeivitt, who is the
6 COO of the County. And one of
7 the questions that I asked her
8 was --- so one of the issues in
9 this case is that my client was
10 discharged for sharing
11 allegedly confidential
12 information. And I asked her
13 first initially what
14 information he shared that she
15 believed was confidential, and
16 counsel for the County objected
17 on the basis of privilege.

18 I then proceeded to show
19 the witness my own client's
20 response to an interrogatory.
21 The interrogatory asked for my
22 client to state with
23 specificity what information he
24 shared with Attorney Zeiger in
25 this case. And then I

1 proceeded to ask her what part
2 of that information was
3 confidential, and then again,
4 received another objection
5 based on privilege.

6 And then I also
7 proceeded to ask her about an
8 allegation in the complaint,
9 which is essentially the same
10 as our response to the
11 interrogatory, the same
12 question, what information in
13 that allegation was
14 confidential and received the
15 same objection. So it appears
16 that Counsel is not really
17 letting me inquire about that
18 topic.

19 LAW CLERK:

20 Okay.

21 Does --- is defense
22 counsel there?

23 ATTORNEY GRIESER:

24 I am.

25 ATTORNEY MANSOUR:

1 Yes. And you're on
2 speakerphone, by the way.

3 LAW CLERK:

4 Okay, thank you. All
5 right.

6 Defense Counsel, is that
7 generally your understanding of
8 what happened and your
9 objection?

10 ATTORNEY GRIESER:

11 In general, yes, it is.
12 I believe that Plaintiff's
13 counsel can get the same
14 information that he needs in
15 more general terms without
16 further disclosing what we
17 believe to be sensitive and
18 confidential information.

19 LAW CLERK:

20 Okay. All right. So
21 just --- sorry. So the
22 assertion of privilege is that
23 the information itself is
24 privileged based on the fact
25 that you think it's

1 confidential and sensitive?

2 ATTORNEY GRIESER:

3 Yes. The very specifics
4 of it are sensitive. Names of
5 people, actual movements of
6 people, that sort of thing.

7 LAW CLERK:

8 Okay. All right.

9 I'll relay this to the
10 judge, and then we'll see if we
11 can set up a call in short
12 order here.

13 ATTORNEY MANSOUR:

14 Okay, thank you.

15 LAW CLERK:

16 All right, thank you,
17 Counsel.

18 ATTORNEY MANSOUR:

19 Okay, bye.

20 BY ATTORNEY MANSOUR:

21 Q. Okay. So going back to the
22 previous questions, so between
23 yourself, Mr. Kratz, Ms. Smith, Ms.
24 Randolph, those four individuals, was
25 there anybody who did not believe Mr.

1 Kimbrough should be terminated?

2 A. I don't recall.

3 Q. How did you personally first
4 learn about my client's telephone
5 conversation with Attorney Zeiger?

6 ATTORNEY GRIESER:

7 I'm sorry, can you
8 repeat the question?

9 ATTORNEY MANSOUR:

10 Sure. How did Ms.
11 McKevitt first learn that my
12 client had a telephone
13 conversation with Mr. Zeiger
14 --- Attorney Zeiger.

15 ATTORNEY GRIESER:

16 If you can answer
17 without disclosing anything
18 privileged.

19 THE WITNESS:

20 Yeah, I don't know. I
21 don't remember. I don't
22 remember if it was our HR
23 director or our corrections
24 director. I don't remember.

25 BY ATTORNEY MANSOUR:

1 Q. Well, it's been alleged that
2 once my client had his conversation
3 with Attorney Zeiger, Attorney Zeiger
4 in the Joshua Patterson lawsuit,
5 immediately filed a motion to reopen
6 discovery.

7 Do you recall that?

8 A. No.

9 Q. In that motion, Attorney Zeiger
10 disclosed the fact that my client
11 contacted him the day before and
12 shared certain information.

13 Are you aware of that?

14 A. No. No, wait, repeat the
15 question. I'm sorry.

16 Q. Sure.

17 A. Repeat the question.

18 Q. So let me ask it this way.
19 When did you first --- when did you
20 first become aware that my client had
21 a telephone conversation with Attorney
22 Zeiger.

23 A. You already asked that
24 question.

25 Q. I said how, but when?

1 A. How, but when?

2 Q. No, I asked ---

3 A. Okay, okay.

4 Q. --- first how you did.

5 A. Okay.

6 Q. But now my question is, when
7 did you first learn?

8 A. I don't know what date that
9 was.

10 Q. Are you aware of the fact that
11 Attorney Daniel Grieser, Associate
12 Solicitor General, interviewed my
13 client regarding his conversation with
14 Attorney Zeiger?

15 A. Yes.

16 Q. On June 12th, 2024?

17 A. I don't recall the date, but I
18 do know that he did interview him.

19 Q. Are you aware of the substance
20 of that conversation between Attorney
21 Grieser and my client?

22 ATTORNEY GRIESER:

23 Just in general, not
24 what was actually said.

25 THE WITNESS:

1 In general, yes, I --- I
2 couldn't repeat it verbatim,
3 but I do recall.

4 BY ATTORNEY MANSOUR:

5 Q. Okay.

6 A. That they had a conversation,
7 yes.

8 ATTORNEY MANSOUR:

9 Are you aware of the
10 fact that you disclosed to us
11 the full transcript of Mr.
12 Grieser's interview with my
13 client?

14 ATTORNEY GRIESER:

15 Unredacted?

16 ATTORNEY MANSOUR:

17 Unredacted.

18 ATTORNEY GRIESER:

19 No, I was not aware of
20 that.

21 ATTORNEY MANSOUR:

22 Okay, well, you did.
23 And since my client was there,
24 I'm not really sure why the
25 transcript will be privileged

1 or confidential in any way,
2 because my client could have
3 told me, too, everything that
4 you said.

5 ATTORNEY GRIESER:

6 I believe you're
7 referring to Lauren Smith's
8 notes.

9 ATTORNEY MANSOUR:

10 No, I'm referring to Mr.
11 Grieser. Attorney Grieser. We
12 can go off the record for a
13 second. I'll look it up.

14 ---

15 (WHEREUPON, AN OFF RECORD DISCUSSION
16 WAS HELD.)

17 ---

18 ATTORNEY MANSOUR:

19 So we're adjourning the
20 --- Ms. McKeivitt's deposition
21 early. We have a court
22 conference scheduled with Judge
23 Marston at 2:15 today to
24 discuss a number of issues that
25 have come up during this

1 deposition. Ms. McKevitt's
2 deposition will be rescheduled.
3 And hopefully by that point,
4 we'll have some more
5 clarification about the topics
6 of inquiry.

7 But I would also just
8 like to note for the record
9 that I am not waiving my right
10 to ask questions that have been
11 previously objected to ---

12 ATTORNEY GRIESER:

13 Noted.

14 ATTORNEY MANSOUR:

15 --- or questions that we
16 have --- or topics of inquiry
17 that we've been discussing now
18 without questioning.

19 ATTORNEY GRIESER:

20 Thank you, Margie.

21 THE WITNESS:

22 Okay. Thank you. I
23 apologize.

24 ATTORNEY MANSOUR:

25 No, it's okay.

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THE WITNESS:

Busy day. Have a good
day.

ATTORNEY GRIESER:

Take care.

* * * * *

DEPOSITION CONCLUDED AT 1:50 P.M.

* * * * *

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF PHILADELPHIA)

CERTIFICATE

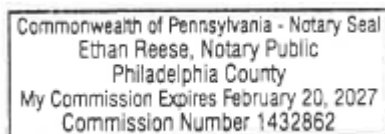
I, Ethan Reese, a Notary Public in and
for the Commonwealth of Pennsylvania, do hereby
certify:

That the witness, Margaret McKevitt,
whose testimony appears in the foregoing
deposition, was duly sworn by me on February 5,
2025 and that the transcribed deposition of said
witness is a true record of the testimony given by
said witness;

That the proceeding is herein recorded
fully and accurately;

That I am neither attorney nor counsel
for, nor related to any of the parties to the
action in which these depositions were taken, and
further that I am not a relative of any attorney
or counsel employed by the parties hereto, or
financially interested in this action.

Dated the 6th day of February, 2025



A handwritten signature in blue ink that reads "Ethan Reese". The signature is written over a horizontal line.

Ethan Reese,

Court Reporter